

BOARD OF PERSONNEL APPEALS
MINUTES – August 19, 2010 MEETING

PRESENT:

Jack Holstrom, Presiding Officer
Quint Nyman-by telephone
Jay Reardon
Karla Stanton
Steve Johnson

STAFF ATTENDING:

Marieke Beck, Board Attorney
John Andrew
Ron Stormer
Paul Melvin
Vicki Knudsen

BOARD BUSINESS

APPROVAL OF MINUTES:

Minutes for April 15, 2010 meeting were approved. Member Johnson moved to approve, Member Nyman seconded the motion. Member Reardon refrained from approving the minutes since he was not in attendance. Motion passed 4-0

Minutes for May 20, 2010 meeting were approved. Member Reardon moved to approve, Member Stanton seconded the motion. Motion passed 5-0

Minutes for July 15, 2010 meeting had one change to modify Findings of Fact No. 40. The Board removed from “finding through in 2005” so that the minutes now read as “Watson suffered harm and that he was aggrieved from the violations of policy and practice involved in the selection process”. Member Reardon moved to approve with the modification, Member Stanton seconded the motion. Motion passed 5-0.

NEXT MEETING DATE:

The next meeting is set for September 24th at the Labor Relations Conference in Bozeman. It will be an Unfair Labor Practice, Brad Wilson v. Park County and Teamsters.

PUBLIC COMMENT (HOUSE BILL 94):

No comments were made.

STAFF COMMENTS:

Board Agents Vicki Knudsen and Ron Stormer discussed the upcoming conference and role of BOPA in its presentation. Vicki will send e-mails to BOPA about possible topics for them to present for their portion of the program.

BOPA then asked about upcoming cases and September was mentioned with petitioner's last final brief distributed to BOPA members in attendance. Copy still needs to be sent to Mike Thiel since he is subbing for Jay. Also, Karla believes she will be in depositions the day of the hearing so Windy needs to get hold of Pat Dudley to see if he will substitute. No cases known beyond that at this point.

ATTORNEY COMMENTS – BOARD ATTORNEY MARIEKE BECK:

Board Attorney Marieke Beck gave an update on the Rules Project. The public hearing on the rules will be next week August 26, 2010 at 10:00 a.m. at the Walt Sullivan Building.

ORAL ARGUMENT – UNFAIR LABOR PRACTICE

Colleen Hansen v. Helena Education Association, MEA-MFT.

Jack Holstrom was the Presiding Officer in this matter. Member Nyman recused himself from the case.

Colleen Hansen appeared pro se before the Board; Rick Larson appeared before the Board to represent the Helena Education Association, MEA-MFT.

The matter before the Board was to determine if the Board Agent John Andrew erred in his recommended order to dismiss the unfair labor practice complaint as being without merit. Argument was heard, no questions were asked by Board Members. Member Johnson motioned to affirm the recommendation to dismiss for no merit, motion was seconded by Member Stanton. Motion passed 4-0.
